

1 **PINNOCK & WAKEFIELD, A.P.C.**

2 Michelle L. Wakefield, Esq. Bar #: 200424  
3 David C. Wakefield, Esq. Bar #: 185736  
3033 Fifth Avenue, Suite 410  
3 San Diego, CA 92103  
4 Telephone: (619) 858-3671  
4 Facsimile: (619) 858-3646

5 Attorneys for Plaintiffs

6 John Nadolenco, Esq. (SBN 181128)  
7 Bronwyn F. Pollock, Esq. (SBN 210912)  
Mayer Brown LLP  
8 350 S. Grand Ave., 25th Floor  
Los Angeles, CA 90071  
9 Telephone: (213) 229-9500  
Facsimile: (213) 625-0248  
10 E-mail Address: Bpollock@mayerbrown.com

11 ATTORNEYS FOR DEFENDANT COURTYARD HOLDINGS, LP

13 **UNITED STATES DISTRICT COURT**

14 **SOUTHERN DISTRICT OF CALIFORNIA**

16 **OUTERBRIDGE ACCESS ASSOCIATION,  
SUING ON BEHALF OF DIANE CROSS;  
and DIANE CROSS, An Individual,**

Case No.: 07cv2129 BTM (AJB)

18 **Plaintiffs,**

NOTICE OF SETTLEMENT

19 **v.**

20 **MARIE CALLENDER'S PIE SHOPS, INC.  
d.b.a. MARIE CALLENDER'S #254;  
PACIFIC BAGELS, LLC d.b.a.  
BRUEGGARS BAGELS; COURTYARD  
HOLDINGS, LP; AND DOES 1 THROUGH  
10, Inclusive,**

24 **Defendants.**

27 **///**

28 **///**

**THE PLAINTIFFS AND DEFENDANT COURTYARD HOLDINGS, LP HEREBY NOTIFY** the Court that Plaintiffs have reached settlement with Defendant COURTYARD HOLDINGS, LP in this matter. Counsel for Defendant COURTYARD HOLDINGS, LP and Plaintiffs are in the process of preparing a written Release and Settlement Agreement and a Joint Motion to Dismiss only Defendant COURTYARD HOLDINGS, LP.

The parties anticipate a Joint Motion to Dismiss only Defendant COURTYARD HOLDINGS, LP shall be filed on or before March 7, 2008, on the condition that Plaintiffs and Defendant execute a Release and Settlement Agreement mutually agreeable to Plaintiffs and Defendant.

Respectfully submitted,

Dated: February 20, 2008

PINNOCK & WAKEFIELD, A.P.C.

By: s/ Michelle L. Wakefield  
Attorney for Plaintiffs  
E-mail: MichelleWakefield@  
PinnockWakefieldLaw.com

Dated: February 20, 2008

MAYER BROWN LLP

By: s/\_Bronwyn F. Pollock  
Bronwyn F. Pollock  
Attorneys for Defendant  
COURTYARD HOLDINGS, LP  
E-mail:  
Bpollock@mayerbrown.com

1 **PINNOCK & WAKEFIELD, A.P.C.**

2 Michelle L. Wakefield, Esq. Bar #: 200424  
3 David C. Wakefield, Esq. Bar #: 185736  
3033 Fifth Avenue, Suite 410  
3 San Diego, CA 92103  
4 Telephone: (619) 858-3671  
4 Facsimile: (619) 858-3646

5 Attorneys for Plaintiffs

6

7 **UNITED STATES DISTRICT COURT**

8 **SOUTHERN DISTRICT OF CALIFORNIA**

9

10 **OUTERBRIDGE ACCESS ASSOCIATION,  
SUING ON BEHALF OF DIANE CROSS;  
and DIANE CROSS, An Individual,**

11 **Plaintiffs,**

12 **v.**

13

14 **MARIE CALLENDER'S PIE SHOPS,  
INC. d.b.a. MARIE CALLENDER'S  
#254; PACIFIC BAGELS, LLC d.b.a.  
BRUEGGARS BAGELS; COURTYARD  
HOLDINGS, LP; PSS PARTNERS, LLC;  
AND DOES 1 THROUGH 10,  
Inclusive,**

15

16 **Defendants.**

17 **Case No.: 07cv2129 BTM (AJB)**

18 **PROOF OF SERVICE VIA ECF**

19 **[Fed.R.Civ.P. 6(e)]**

20

21 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

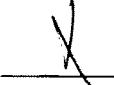
22

23 I am employed in the County of San Diego, State of  
24 California. I am over the age of 18 and not a party to the  
25 within action; my business address is 3033 Fifth Avenue, Suite  
26 410, San Diego, California, 92103.  
27

1 On this date, I served the following document(s) described  
2 as **NOTICE OF SETTLEMENT** on all Defendants in this action:

3 **Lisa A. Wegner, Esq.**  
4 **Call Jensen & Ferrell**  
5 **610 Newport Center Drive, #700**  
6 **Newport Beach, CA 92660**  
7 **Telephone: (949) 717-3000**  
8 **Facsimile: (949) 717-3100**  
9 **E-mail Address: lwegner@calljensen.com**  
10 **ATTORNEY FOR DEFENDANT MARIE CALLENDER'S PIE SHOPS, INC. d.b.a.**  
11 **MARIE CALLENDER'S #254**

12 **Bronwyn F. Pollock**  
13 **Mayer Brown LLP**  
14 **350 S. Grand Ave., 25th Floor**  
15 **Los Angeles, CA 90071**  
16 **Telephone: (213) 229-9500**  
17 **Facsimile: (213) 625-0248**  
18 **E-mail Address: Bpollock@mayerbrown.com**  
19 **ATTORNEY FOR DEFENDANT COURTYARD HOLDINGS, LP**

20  **BY ELECTRONIC SERVICE TRANSMISSION** via the United  
21 States District Court, Southern Division of California, Case  
22 Management/Electronic Case Files, Filing System. I served a copy  
23 of the above listed document(s) to the e-mail addresses of the  
24 addressee(s) by use of email as identified and maintained  
25 therein.

26  
27 AND/OR BY:

28  placing  the original  a true copy  
29 thereof enclosed in sealed enveloped addressed as stated above.

30  **BY MAIL:** I am readily familiar with the firm's  
31 practice of collection and processing correspondence for mailing.

1 Under that practice, it would be deposited with the U.S. Postal  
2 Service on the same day with postage thereon fully prepaid,  
3 mailed at San Diego, California, in the ordinary course of  
4 business. I am aware that on motion of the party served, service  
5 is presumed invalid if postal cancellation date or postage meter  
6 date is more than one day after date of deposit for mailing in  
7 affidavit.

8

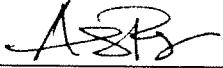
9 **BY FACSIMILE TRANSMISSION:** From FAX No. (619) 858-3646  
10 to the facsimile numbers listed above on the mailing list. The  
11 facsimile machine I used complied with Rule 6 (e), and no error  
12 was reported by the machine.

13

14 **FEDERAL:** I declare that I am employed in the office  
15 of a member of the Bar of this Court, at whose direction this  
16 service was made.

17

18 **EXECUTED** on February 21, 2008, at San Diego, California.

21   
22 Angela Payne